

1 REBECCA D. EISEN, SBN 96129  
THERESA MAK, SBN 211435  
2 M. MICHAEL COLE, SBN 235538  
MORGAN, LEWIS & BOCKIUS LLP  
3 One Market, Spear Street Tower  
San Francisco, CA 94105-1126  
4 Tel: 415.442.1000  
Fax: 415.442.1001

5 CHRISTOPHER A. PARLO, *Pro Hac Vice*  
6 MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
7 New York, NY 10178  
Telephone: 212.309.6000  
8 Facsimile: 212.309.6273

9 Attorneys for Defendant  
METROPOLITAN LIFE INSURANCE  
10 COMPANY

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 JON PAUL SIMS, MICHAEL B.  
BAGLEY, and JEFFERY A. PFEIFFER,  
16 each individually, and on behalf of all  
others similarly situated,

17 Plaintiff,

18 vs.

19 METROPOLITAN LIFE INSURANCE  
20 COMPANY AND DOES 1 THROUGH  
100, inclusive,

21 Defendant.  
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Case No. 05 CV 2980 (TEH)

STIPULATION TO CONTINUE  
HEARING; ~~PROPOSED~~ ORDER

The Honorable Thelton E. Henderson

23 WHEREAS, there are four motions currently pending before the Honorable Thelton E.  
24 Henderson, to wit: Plaintiffs' Motion for Summary Adjudication, Defendant's Motion for  
25 Summary Judgment, Plaintiffs' Motion for Class Certification, and Plaintiffs' Motion to Strike  
26 Defendant's Counterclaims (the "Motions"); and

27 WHEREAS, all four of the above described Motions are set for oral argument on February  
28 5, 2007 in the above-entitled Court; and

1 WHEREAS, the parties mediated this matter for an entire day on December 8, 2006,  
2 before Michael Dickstein; and

3 WHEREAS, the parties have continued settlement discussions through Mr. Dickstein  
4 following the December 8, 2006, mediation; and

5 WHEREAS, the parties have agreed to further mediate this case before Michael Dickstein  
6 on February 9, 2007; and

7 WHEREAS, the parties believe that a further continuance of the hearing on the above  
8 described Motions would best preserve the status quo and allow them to continue to focus their  
9 efforts on the upcoming mediation and settling this case;

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the  
2 parties that the hearing on Plaintiffs' Motion for Summary Adjudication, Defendant's Motion for  
3 Summary Judgment, Plaintiffs' Motion for Class Certification, and Plaintiffs' Motion to Strike  
4 Counterclaims shall be continued for at least thirty (30) days to a date most convenient for the  
5 Court thereafter.

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7 Dated: January 30, 2007

MORGAN, LEWIS & BOCKIUS LLP

8 By: Christopher A. Parlo  
9 Christopher A. Parlo  
10 Attorneys for Defendant  
11 METROPOLITAN LIFE INSURANCE  
COMPANY

12 Dated: January 30, 2007

THE EDGAR LAW FIRM

13 By: Donald S. Edgar  
14 Donald S. Edgar  
15 Jeremy R. Fretz  
16 Attorneys for Plaintiffs

17 IT IS ORDERED THAT THE HEARING ON PLAINTIFFS' MOTION FOR SUMMARY  
18 ADJUDICATION, DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, PLAINTIFFS'  
19 MOTION FOR CLASS CERTIFICATION AND PLAINTIFFS' MOTION TO STRIKE  
20 DEFENDANT'S COUNTERCLAIMS BE CONTINUED TO 03/19/07 @ 10:00 AM.

21  
22 Dated: January 30, 2007

Hon. Thelton E. Henderson

